

TOWN OF BRISTOL, VERMONT

WATER USE ORDINANCE

ADOPTED APRIL 23, 1996

TOWN OF BRISTOL, VERMONT  
WATER USE ORDINANCE

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The Town of Bristol Selectboard ordains that the Rules and Regulations herein set forth are established as necessary and desirable for the efficient operation of the Town of Bristol Water System, to provide quality water to the people of the Bristol Water District for consumption and fire protection, or to people outside the district as hereinafter set forth.

## 1.00 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

- 1.01 Building Service Line shall mean the pipe or conduit, water meter and valves connected on one end to the curb stop, the other end terminating inside the User's building, to provide water service.
- 1.02 Curb Stop shall mean the valve which terminates the service line and to which the building's service line is connected to provide water service to the User.
- 1.03 Disconnection shall mean; A. deliberate interruption by the Town of water service to the User, for reason of delinquent payment; or B, Voluntary disconnection as per section 4.08.
- 1.04 Distribution Main shall mean the primary supply pipe or conduit from which service connections are made to supply water to the User.
- 1.05 Town shall mean the Town of Bristol.
- 1.06 Fire Service shall mean water service provided to User for fire protection systems or equipment installed on the property of the User.
- 1.07 May is permissive. Shall is mandatory.
- 1.08 New Service Locations shall mean areas at a distance of more than 200 feet along a street or R.O.W. from distribution mains of the Town. Extension of distribution mains is required to provide service.
- 1.09 Operator shall mean agent or representative of the Town responsible for operation and maintenance of the water system.
- 1.10 Property Owner (Owner) shall mean that person(s) or User, identified as owner of property by recorded deed.
- 1.11 Service Line or Service Pipe shall mean the pipe of conduit running from the distribution main to curb stop at the property line of the User.

- 1.12 Unconnected Properties shall mean those properties with boundary line(s) 200 feet or less from distribution mains which do not receive water service.
- 1.13 User (Customer) shall mean any person, firm, corporation, association or group receiving or requesting water from the Town.
- 1.14 Water Commissioners shall mean the Selectboard, or agents and authorized representatives.
- 1.15 Water District (District) shall mean the Water Department Service area as defined by the Merger Document.

## 2.00 RULES AND REGULATIONS

- 2.01 The Water Commissioners may make such rules and regulations relating to the use of the water system as they shall deem necessary for proper operation of the water system.
- 2.02 Actions of the Water Commissioners shall be subject to requirements of the Merger Document and Water Expansion Policy regarding expansion or changes.

## 3.00 GENERAL INFORMATION

- 3.01 The Water Commissioners shall be responsible for the operation of the water system, and acting on behalf of the Town, shall sell water to such Users within the Water District consistent with these Rules and Regulations. It may refuse to supply water to any such User and may terminate service to any User, as may be required for the Water Commissioners to carry out their responsibilities imposed by law and these Rules and Regulations.
- 3.02 The Water Commissioners may enlarge or modify the limits of the water district in accordance with the Water Expansion Policy.
- 3.03 The Water Commissioners may set water rates for Users outside the Water District in accordance with a Water Expansion Policy.
- 3.04 These Rules and Regulations shall constitute a part of the contract between each User and the Town. Each User shall be bound by these Rules and Regulations and all subsequent changes and amendments thereto. The User's application for water service shall be considered the User's consent to be bound by these Rules and Regulations.
  - a. A copy of these Rules and Regulations shall be furnished to each User by the Town upon request.
  - b. Failure to know these Rules and Regulations will not excuse the User from the consequences of neglect of these Rules and Regulations.

- 3.05 Inspectors of the Town or persons so authorized by the Town must have access at all reasonable hours to buildings for the purpose of inspecting, removing, or replacing meters, meter setting appurtenances, and backflow preventer. Inspectors and meter readers will carry appropriate identification and will show same upon request to the property owner or authorized agent. Impostors should be reported at once by calling a member of the Selectboard, or the Town Administrator.
- 3.06 Water Supply Emergencies: In the event of a water emergency the Water Commissioners, District Coordinator, Town Administrator, and/or any other authorized personnel shall refer to, Appendix B, the Emergency Rules and Regulations of this Ordinance.

#### 4.00 REQUIREMENTS AND RESTRICTIONS

- 4.01 The Town shall be empowered to enforce the Rules and Regulations of this ordinance in a manner which they deem in the best interest of the water system.
- 4.02 All water shall be metered except as otherwise provided by this ordinance or as approved by the Water Commissioners.
- a. All meters shall be furnished and owned by the Town, and shall be located in satisfactory locations to protect against frost and other damage. In no case shall the Town deliver water through any meter over which it does not have exclusive control.
  - b. Should a meter be damaged by negligence in a manner for which the User is responsible, then the Owner shall be charged the cost of removing, repairing, and replacing any such damaged meter.
  - c. Meters which malfunction without fault of the User shall be removed and replaced at the Town's expense.
  - d. If from any cause a meter fails to register properly the amount of water passing through it, the charge will be based upon the User's past average daily consumption, as determined by the Town.
  - e. Meters shall be read by the Water Commissioner's authorized agents on a frequency established by the Water Commissioners
  - f. No person shall damage, remove, or tamper with any meter through which water service is being provided. No person shall break the seal of any such meter.
  - g. Inspection of private water systems, other than meters and back flow preventers, may be done only with the written permission of the user.
- 4.03 No person shall suffer or permit water from the Town's water system to run to waste through any faucets or fixtures to prevent freezing, or for any other purpose, to be kept running for any longer than necessary for non-wasteful consumption, without prior approval of the Town or emergency rules. The Town shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as, in its judgement, appears proper.

- 4.04 Public fire hydrants are installed for the sole purpose of fire protection and, with the exception of the members of the Fire Department/Water Department operating the same for the legitimate purpose of extinguishing fires, conducting a bonafide fire drill or practice or maintenance of the water system, no other use of hydrants shall be made without the written consent of the Town.
- a. No person or persons shall obstruct the access to any fire hydrant by placing or permitting snow, debris, or building materials, or other obstruction to remain on or about the hydrant.
  - b. No person shall make any connection to any hydrant on the Town's water system, and no person may cause any such hydrant to be opened, except as authorized by these Rules and Regulations, or otherwise by the Water Commissioners.
  - c. The Town may install public fire hydrants wherever and whenever it deems necessary, subject to proper easements or agreements.
  - d. The Water Commissioners will consider written requests for the installation of public fire hydrants by property owners connected to the system.
  - e. The Water Commissioners may require any applicant for new service to install public fire hydrants in his project as a condition precedent to receiving approval to connect to the water system.
  - f. All public fire hydrants and their connections are to be the property of the Town whether installed by the Town or by others.

- 4.05 A water service application shall be submitted to and approved by the Water Commissioners before any connection, alteration or construction to any portion of the water system occurs.
- a. The application will be completed and submitted as provided in Section 7.00.
  - b. No person shall make any material misstatements of fact in any application for water service.
  - c. No person shall complete construction of any service connection with the Town's water system in any manner other than that set forth in any plans and specifications submitted to and approved by the Water Commissioners. No person shall fail to disclose any deviations or variations from such plans to the Water Commissioners at the first date such variations or deviations become known to such person.
  - d. No person shall obtain the use of water without authorization in any way or by any device, including the operation of curb valves by repairmen and plumbers for any purpose.
  - e. No person shall tap or make any connection with any distribution main or service line, without authorization by the Water Commissioners.
  - f. No person shall knowingly cause water to be taken at any service location or elsewhere, in any manner inconsistent with the application for service governing such location, any contract for the supply of water applicable to such location, any terms and conditions based upon service at such location by the Water Commissioners or this Ordinance.

- 4.06 No person shall violate, and no User shall suffer or permit any person to violate at the User's service location, any provision of these Rules and Regulations, or shall violate any order, direction, emergency rule, or policy adopted by the Water Commissioners.
- a. No User or Municipal department, shall, except with written consent of the Water Commissioners, be allowed to resell or transport water supplied by the Town; except that landlords may include the amount for water in their rent or lease agreements.
- 4.07 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or any other parts of the water system without approval by the Town.
- 4.08 No voluntary disconnection from the water system by a User may be made without first submitting a request in writing to the Water Commissioners and paying, in addition to any other amounts payable, a fee as designated in the " Policy of Schedule of Rates and Charges" (Appendix B.) No person may re-connect to the water system without making proper application according to Section 7.00 of the Ordinance.

#### 5.00 ASSESSMENT AND COLLECTION

- 5.01 The Water Commissioners shall be empowered to establish rates and the Town to collect fees as set forth in this Ordinance as deemed necessary for the operation and maintenance of the water system. See APPENDIX B for current " POLICY OF SCHEDULE OF RATES AND CHARGES".
- 5.02 Nothing contained herein shall limit the authority of the Town or the Water Commissioners to impose fees upon water users, as provided by law.
- 5.03 The Town may institute legal action to collect any past due bill. Under the Town's Rules and Regulations, the Owner agrees, by applying for water service, to pay the costs of such collection, including the Town's attorney's fees.
- 5.04 Bills and Billing
- a. Bills for water service are prepared at the office of the Town Treasurer and are payable there.
- b. Water bills are rendered in the name of the Owner, except as provided for under Section 7.01C
- c. The Owner or approved applicant under 7.01F is responsible for the payment of water bills and is also responsible for notifying the Town at the office of the Town Treasurer of any changes in mailing addresses. Failure to receive a bill does not relieve the Owner of the obligation for payment or for the payment of penalties for late payment.
- 5.05 Deposits: If the Town holds a deposit from a User that deposit shall not constitute payment of a delinquent bill, and shall not prevent the Town from disconnecting service for nonpayment.

Should the Town so disconnect service from a User from whom the Town holds a deposit, the Town shall continue to hold the deposit, and service shall not be restored until the User becomes eligible for restoration of service by payment of the delinquency or otherwise. The Town may apply the deposit towards the delinquency if the User advises the Town he wishes to terminate service, or if the Town receives an application for service at the same location from some other person.

#### 6.00 DISCONNECTION

- 6.01 In addition to any other remedies, the Town shall be empowered to disconnect water service to a User, after notice, when payment of a valid bill or charge is delinquent as provided by 24 V.S.A. Chapter 129. The Town shall administer the Articles of 24 V.S.A. Chapter 129 as it deems in the best interest of the water system and its operation.

#### 7.00 APPLICATIONS

- 7.01 No connection will be made to the water system without first submitting a completed application and receiving approval from the Water Commissioners.
- a. The Town's service connection fee, which shall be paid in full, in addition to any other amounts payable, at the time written application is made for service. This fee shall be such an amount as is designated in the " POLICY OF SCHEDULE OF RATES AND CHARGES" (APPENDIX B).
  - b. Application for water service shall be made at the office of the Town Treasurer. Forms are available at the Town Clerk's office.
  - c. The Water Commissioners may accept applications from persons who are not property owners if:
    - (1) A deposit is made in the equivalent of one year's estimated billing and:
    - (2) The Town received notarized documentation to the extent of the User/Owner relationship to the obligation of payment of bills and charges.
    - (3) The Owner shall be relieved of his obligation for payment of bills and charges as provided in Section 5.04.
- 7.02 Installation of Service
- a. The User will be responsible for all peripheral costs of installing new water services. These costs include, but are not limited to:
    - (1) digging and paving;
    - (2) obtaining permits and easements if digging across roadways or the property of others;
    - (3) returning all Town or Town-owned property to its original condition.
  - b. The Owner will be responsible for the entire cost of installing, owning, and maintaining the service pipe from the curb stop to the Owner's premises (with the exception of water meter, meter setting appurtenances, and backflow preventer), regardless of whether the Town performs the installation upon the Owner's request and agreement by the Town, or whether the Owner makes the installation via private contractor in accordance with the Town's Construction Specifications.



- (1) From the distribution main to the curb stop at this property line (or street line) the installation:
  - (a) must comply with the Town's Specifications (Section 9.00 CONSTRUCTION SPECIFICATIONS);
  - (b) must be inspected and approved by the Town before the installation may be covered; and
  - (c) upon completion and acceptance, will become the property of the Town and will be maintained by the Town.
- (2) From the curb stop to the User's premises, the installation (with the exception of the meter);
  - (a) shall be installed, owned, and maintained by the property owner and
  - (b) must comply with the Town's Specifications (Section 9.00 CONSTRUCTION SPECIFICATIONS) and requirements of applicable State and Federal agencies.

#### 7.03 Temporary Service

- a. Contractors, builders, or other persons desiring temporary water service for construction purposes shall complete an application in writing to the Town Treasurer and secure approval for this service.
- b. The cost of installation of temporary service and the cost of its removal shall be borne by the applicant. The estimated cost of installation, consumption, and removal of temporary water service shall be paid in advance of installation, by a deposit to the Town. Upon completion of the use of the temporary service, an accounting shall be made. If the amount of deposit does not cover the actual cost, the applicant shall pay the additional amount. If the deposit exceeds the actual cost, the applicant shall be refunded the difference. The charges for temporary service are set forth in the "POLICY OF SCHEDULE OF RATES AND CHARGES" (APPENDIX B).

#### 7.04 New Service Locations

- a. Applicants for water service at a new service location, for the purpose of supplying water to more than one (1) residential unit, or for commercial or industrial purposes, shall complete a written service application to the Town, and shall pay the service connection fee set forth in the "POLICY OF SCHEDULE OF RATES AND CHARGES" (APPENDIX B).

The applicant shall include drawings of the proposed service which show in detail all service locations, piping appliances, manufacturing processes and/or machines that are to be connected to the water service, including boilers (both high and low pressure).

- b. All construction piping shall be built to the Specifications of the Town and, if applicable, the Vermont Health Department, Vermont Department of Water Resources, Environmental Protection Agency, and any other State or Federal Agencies having jurisdiction of same. Written approval of the

- plans by all applicable agencies shall accompany the application for service. The Town's Engineer may review such designs as directed by the Town.
- c. Water distribution, service piping, hydrants, and other appurtenances constructed as part of a development or subdivision project must meet the Specifications of the Town and agencies mentioned in Section 7.04, Paragraph b., and will, after installation, testing and approval by the Town, become part of the Town's system from the date of acceptance and thereafter.
  - d. Applicants for new service connections shall pay the entire cost of design, construction and testing of water main and appurtenant extensions of the water system, regardless of whether such construction or extension is ultimately accepted by the Town after installation.

#### 8.00 SPRINKLER SYSTEMS

- 8.01 Application for new sprinkler systems shall be subject to all provisions and specifications that the Town may require.
- a. The applicant must furnish the Town with a complete set of drawings which show the location of the premises to be sprinklered and proposed location of all valves, pipes, hydrants, tanks, sprinkler heads, and other appurtenances. These plans will remain as the property of the Town. The applicant must also furnish drawings of any later revisions to piping or appurtenances when they are made. The applicant must also furnish estimated maximum flow requirements.
  - b. The Town may decline to supply service, in whole or in part, to any sprinkler system if, in the determination of the Water Commissioners, the system would place undue demands upon any portion of the Town's water system.
- 8.02 All fire services shall be subject to periodic inspections by the Town. The Owners of such system will give the Town's inspectors all reasonable assistance in making the inspection and will give all required information about the system. Inspections will be made with as little inconvenience to the Owner as possible.
- 8.03 When water supplied for fire protection purposes is found to be used for other than fire protection purposes, the water will be shut off by the Town until the offenders give reasonable assurance to the Town that the offense will not be repeated.
- 8.04 The Town will not charge for usages related to fire protection.

#### 9.00 CONSTRUCTION SPECIFICATIONS

- 9.01 The Town shall utilize construction specifications and standards as it deems to be in the best interest of the water system.

- 9.02 The construction specifications and standards applicable to the Town will include rules, regulations, and requirements as specified by:
- a. Vermont Health Department
  - b. Vermont Water Supply Division
  - c. Environmental Protection Agency
  - d. American Water Works Association (most recent specifications apply)
  - e. The Town's Engineer
  - f. Any other State or Federal agencies having jurisdiction.
- 9.03 Any materials and equipment used will meet the most recent A.W.W.A. specifications and will be compatible with materials and equipment presently utilized in the water system.

#### 10.00 RESPONSIBILITIES AND LIABILITIES

- 10.01 The Town shall not be liable for any damage caused by, but not limited to, interruption of service for repairs, necessary procedures, emergencies, and/or additions or improvements to the water system.
- 10.02 The Town shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in Paragraph 10.03 below.
- 10.03 Users shall be notified in writing of interruption of service by "Disconnection" as provided by the Provisions of this Ordinance and State Statute.
- 10.04 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage or surge of pressure occasioned by accident to any portion of the water works, or in the event of interruption of service.
- 10.05 The Town shall assume no responsibility for any damage to any apparatus in any house or building due to interruption of service. Property owners should install range boilers, hot water tanks, and all other equipment connected with the water supply system in such a manner that damage will not occur in the event of interruption of service.
- 10.06 The Town will endeavor to provide water to User(s) of high quality and of adequate pressure and quantity. The Town does not express or imply any guarantees of, but not limited to, pressure, continuous supply, purity or potability of the water.
- 10.07 The Town will comply with State Regulations with regard to testing, monitoring, and reporting of the water system.
- 10.08 The Town shall, at no time, jeopardize its current customers by authorizing more new water services than it can supply. The Town shall be under no obligation to commit to any development, any portion of its capacity, but may allocate its capacity amongst various areas of the Water District as the Town deems most appropriate.

## 11.00 VALIDITY

- 11.01 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 11.02 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not effect the validity of any other part(s) of this Ordinance which can be given effect without such invalid part, or parts.
- 11.03 Any provision of this ordinance which is in conflict with the terms of the Merger Document is invalid, but such will not affect the validity of all other portions of this Ordinance.

## 12.00 PENALTIES

- 12.01 Any violation of the foregoing shall, pursuant to 24 V.S.A., Section 1974(a), constitute a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment not-to-exceed one (1) year. Each week the violation continues shall constitute a separate offense. In addition, the Town, pursuant to 24 V.S.A., Section 1974(b), may seek injunction relief, without affecting criminal prosecution brought pursuant to the foregoing sentence. The Town reserves the right to institute any action for damages and declaratory relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief against a User in which the Town obtains judgement, the User shall pay the Town's court costs and attorney's fees, and such amount shall be added to any such judgement.

## 13.00 AMENDMENTS

- 13.01 The Town of Bristol, acting by and through its Water Commissioners or, in appropriate cases, acting by and through its authorized representatives, may make amendments to the Ordinance in force that appears, in their judgement, to be necessary, appropriate, and/or in the best interest of the water system and/or the Town.

## 14.00 LIMITATIONS

- 14.01 The Water Commissioners may enact rules and limitations restricting or delaying new or extended water service, where, in its discretion, the ability to provide service is prevented because of specific physical limitations including but not limited to:
- a. Excessive elevations incompatible with the existing designed system.
  - b. Excessive distance from the existing designed system.
  - c. Additional volumes which would exceed the permitted capacity of the existing system.

15.00 ORDINANCE IN EFFECT

15.01 This Ordinance shall be in force and effect sixty (60) days from the date of enactment by the Water Commissioners for the Town of Bristol.

Duly enacted and ordained this 23<sup>rd</sup> day of APRIL 1996, by the Water Commissioners of the Town of Bristol, County of Addison, State of Vermont at a duly called and duly held meeting of said Water Commissioners.

Town of Bristol  
Water Commissioners

By:

J. J. Bowin  
Bill Corliss  
Barbara James  
Kenneth G. Weston  
\_\_\_\_\_

[Signature]  
Witness to Signatures

## WATER SUPPLY EMERGENCY RULES AND REGULATIONS

1. Upon detection or notification of an emergency situation regarding the supply of water to the Water Service Area the District Coordinator and Town Administrator shall be notified immediately. The Chairman of the Selectboard and any other authorized persons deemed necessary shall be notified immediately thereafter.
2. The Town Administrator, or his authorized designee, is empowered to suspend or implement those provisions of the Ordinance that are necessary to preserve the health and welfare of the persons within the Water Service Area.
3. The Town Administrator, or his authorized designee, shall be empowered to utilize any Town equipment or Town personnel he deems necessary to accomplish coping with the emergency.
4. Within 24 hours following a water supply emergency the Water Commissioners shall duly warn a special meeting to formally adopt any applicable rules and regulations as they pertain to the specific emergency. Such rules shall be adopted by a majority vote of the Water Commissioners, shall be recorded in the minutes, posted in five (5) locations within the Town and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, or until such time as the emergency is over.

**APPENDIX B: SCHEDULE OF RATES AND CHARGES**

- 1.00 Applicability:  
This schedule applies to all users of the Water District.
- 1.01 Rate Structure:
- a. Metered Users - Rate includes service charge based on equivalent user unit (E.U.) plus a rate per 1,000 gallons of usage.  
One (1) Equivalent User Unit= Average Family= 2.5 persons @ 40 gallons/person per day =1 00 gallons per day.  
Usage of 100 gallons per day or less will be charged a minimum of one (1) Equivalent User Unit service charge plus usage at a rate of 100 gallons per day.  
Equivalent user values will be calculated to the nearest tenth.
- 1.02 Current Charges for Water Service:
- a. Service Charge: \$23.59/quarter per E.U.
  - b. Usage Charge: \$4.55 per 1,000 gallons.
  - c. Charges are billed on a three, (3) month basis and are due and payable within thirty (30) days after rendering of the bill.  
(1) Delinquency Charges: Nine Dollars (\$9.00), plus an Interest Charge of one and one-half percent (1.5%) per month on the unpaid balance that is over thirty (30) days past due.
  - d. For complete information about the payment of bills, see Sections 5.01 through 5.06 and 24 V.S.A. Chapter 129.
- 1.03 Special Fees and Charges:
- a. Reconnect and/or Disconnect Fee: normal working hours \$25.00
  - b. Reconnect Fee: after hours, Holidays, weekends, \$100.00
  - c. Unscheduled Meter Reading (example; property transfers) \$25.00
  - d. Service Connection Fee: This fee is payable at the time of service application, whenever a new service connection is to be made to the system. This fee is Five Hundred Dollars (\$500.00) plus the cost of the meter for the connection and any additional time and materials needed.
  - e. Swimming Pool Filling Fee (from Town hydrant):
    - (1) Up to ten thousand (10,000) gallons \$45.00
    - (2) Over ten thousand (10,000) gallons \$45.00  
plus \$4.00/each additional 1,000 gallons.
    - (3) Connection and disconnection charges, materials and equipment (if any) at cost, plus labor at the current hourly rate of \$25.00 per hour set by the Water Commissioners.
  - f. Temporary Service:
    - (1) All usage, Four Dollars (\$4.00) per one thousand (1,000) gallons. Minimum charge: Fifty Dollars (\$50.00).
    - (2) Connection and disconnection charges, materials, and equipment at cost, plus labor at the current hourly rate of \$25.00 per hour set by the Water Commissioners.